



INDUSTRY CIRCULAR

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms
Washington, D. C. 20226

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Anti-Trust Violation Policy Reversal

To All Federal Firearms Licensees and Others Concerned:

ATF has previously taken the position that an indictment or conviction for an offense pertaining to anti-trust violations, unfair trade practices, restraints of trade or other similar offenses imposed no Federal firearms disabilities under either Title I of the Gun Control Act of 1968, 18 U.S.C. § 921 et seq., or Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, 18 U.S.C. App § 1201 et seq.

Recent court decisions including the Supreme Court decision in United States v. Batchelder, 442 U.S. 114 (1979) and Lewis v. United States, 445 U.S. 55 (1980) where it was determined that Title I and Title VII are to be examined and enforced as separate laws, have caused ATF to change its position. Title I of the Gun Control Act, 18 U.S.C. § 921(a)(20), specifically exempts any State or Federal offenses pertaining to anti-trust violations, unfair trade practices restraints of trade or other similar offenses from the provision imposing firearms disabilities. Title VII contains no such exemption. Therefore, a conviction for these types of crimes, punishable by a sentence of more than a year, results in a disability under Title VII. An indictment for these type crimes is not a disability under Title VII.

A person convicted for an anti-trust or related offense, punishable by a sentence of more than a year under Federal law or more than two years under State law, is prohibited from receiving, possessing, or transporting in commerce or affecting commerce, any firearms. Therefore, a Federal firearms licensee convicted of these types of crimes would have to file for relief from this disability in order to continue operating a firearms business. Further, licensees may not sell or transfer firearms to anyone under this disability.

Under 18 U.S.C. § 925(c) any person, including those presently operating under a Federal firearm license, convicted for an anti-trust violation may apply for relief from Federal firearms disabilities. Such application will receive expeditious consideration by the Bureau. If relief is granted, all Federal firearms disabilities are removed. The application forms may be obtained by writing to: Bureau of Alcohol, Tobacco and Firearms, P. O. Box 189, Washington, DC 20226.

Any person having questions regarding this circular should refer to it by number, and address all inquiries to the Bureau of Alcohol, Tobacco and Firearms, P. O. Box 189, Washington, DC 20226.

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